

**Notice of Allowability**

Application No.

10/823,387

Examiner

Benjamin H. Layno

Applicant(s)

JACKSON, KATHLEEN NYLUND

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/17/06.
2. ☒ The allowed claim(s) is/are 1,3-12,14-26 and 28-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>09/01/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mark Litman on 09/01/06.

The application has been amended as follows:

Claims 13 and 27 have been canceled.

In claim 6, line 1, "2" has been changed --1--.

In claim 8, line 1, "2" has been changed --1--.

In claim 10, line 1, "2" has been changed --1--.

In claim 17, line 1, "2" has been changed --1--.

In claim 19, line 1, "2" has been changed --1--.

In claim 24, line 1, "2" has been changed --1--.

In claim 26, line 1, "2" has been changed --1--.

3. The abstract is too long. The abstract must be within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

The abstract has been amended as follows:

In the abstract, lines 3-5, the recitation "The game comprises at least one player (up to as many as a table can hold, or even on-line with large number of players) placing a wager on the game." has been deleted.

In the abstract, lines 6-7, the recitation "with a rank from a set of cards to form an at least one player hand and a dealer hand" has been deleted.

In the abstract, lines 7-9, the recitation "attempting to receive a first hit card having a specific relationship in rank to the single card in the at least one player hand" has been deleted.

In the abstract, line 11, the recitation "according to the rules of play of the wagering game" has been deleted.

In the abstract, lines 12-13, the recitation ", attempting to receive another hit card having a specific relationship in rank to the first hit card" has been deleted.

In the abstract, lines 14-16, the recitation "according to the rules of play of the wagering game (e.g. which may be a maximum of six or seven total cards or 5 or 6 hits in various formats of play)" has been deleted.

In the abstract, line 16, the recitation "the at least one player's hand" has been deleted.

In the abstract, lines 17-18, the recitation "attempting to receive a first hit card having a specific relationship in rank to the single card in the dealer hand" has been deleted.

In the abstract, line 19, the recitation "according to the rules of play of the wagering game" has been deleted.

In the abstract, lines 20-21, the recitation "(e.g., which may, for example, be up to six total cards or up to seven cards total)" has been deleted.

In the abstract, line 23, the recitation "The wager is then resolved in the game." has been deleted.

4. The title of the invention is not descriptive.

The original title "Keep-em Coming Card Game" has been deleted and the following new title, --A Wagering Card Game—has been entered.

#### ***Reasons For Allowance***

5. The following is an examiner's statement of reasons for allowance: None of the cited references alone or in combination teach the claimed "the at least one player taking at least one mandatory additional card attempting to receive a first additional card having a specific relationship in rank to the single card in the at least one player hand, the specific relationship being selected from the group consisting of cards being sequentially higher in rank and sequentially lower in rank", "when the player has elected to take no more additional cards or has taken a maximum number of additional cards allowed, attempting again to receive successive additional cards having the specific relationship to a previous additional card, but has not taken a card that busts the at least one player's hand by not having the specific relationship to the previous additional card, the dealer takes at least one mandatory additional cards attempting again to receive successive additional cards having the specific relationship to the previous additional

card, until the dealer has taken a maximum number of additional cards allowed, or until the dealer has received a total number of cards that exceeds the total number of cards in all players' hands in the game".

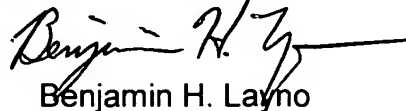
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benjamin H. Layno  
Primary Examiner  
Art Unit 3711

bhl